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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,173	10/06/2000	James R. Kittrell	00-625	3692

7590

12/26/2001

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EXAMINER

TRAN, THAO T

ART UNIT

PAPER NUMBER

1741

DATE MAILED: 12/26/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

MF-3

Office Action Summary	Application N . 09/684,173	Applicant(s) KITTRELL, JAMES R.	
	Examiner Thao T. Tran	Art Unit 1741	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanno et al. (US Pat. 5,877,391).

Kanno teaches a catalyst, comprising titania, silica, and tungsten oxide; wherein there are 0.5 to 15 parts by weight ^{of silica} to titania 100 parts by weight and 20-95 mol % Ti and 80-5mol % W, which read on the instantly claimed ranges (see col. 2, ln. 21-47; col. 3, ln. 6-38).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanno as applied to claims 27-28 above and further in view of Chopin et al. (US Pat. 6,037,289).

Kanno is as set forth in claims 27-28 above and incorporated herein.

Kanno does not teach catalyst comprising platinum or palladium.

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Chopin teaches a catalyst, comprising silica, titania, tungsten oxide, and platinum; wherein the mass of platinum with respect to that of titania is between 0.01 to 5% (see col. 3, ln. 10-22; col. 4, ln. 40-61).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have included platinum as taught by Chopin into the catalyst of Kanno, because it has been within the skill in the art that the use of platinum or a noble metal as a catalyst or catalyst component would enhance the rate of the chemical reaction and also would enhance durability of the catalyst.

→ 5. Claims 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chopin in view of Kanno.

Chopin teaches a catalyst, comprising silica, titania, tungsten oxide, and platinum; wherein ~~titania~~ the mass of platinum with respect to that of titania is between 0.01 to 5% (see col. 3, ln. 10-22; col. 4, ln. 40-61).

Chopin differs from the present invention because it does not teach the specific mass of silica, titania, tungsten oxide with respect to each other.

Kanno teaches a catalyst, comprising titania, silica, and tungsten oxide; wherein there are 0.5 to 15 parts by weight ^{of silica} to titania 100 parts by weight and 20-95 mol % Ti and 80-5mol % W, ^{75%} ^{25%} which read on the instantly claimed ranges (see col. 2, ln. 21-47; col. 3, ln. 6-38).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have included the concentrations as taught by Kanno into the catalyst of Chopin, because Kanno teaches that the use of these concentrations would improve the effectiveness of the catalyst and would improve the catalyst performance for long duration.

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Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao T. Tran whose telephone number is 703-306-5698. The examiner can normally be reached on Monday-Friday, from 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathryn Gorgos can be reached on 703-308-3328. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

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December 17, 2001

Edna Wong
EDNA WONG
PRIMARY EXAMINER
TC700